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Judiciary

Scale of cover up at each stage—SC's blistering critique of WBSSC in school jobs scam

BHADRA SINHA 04 April, 2025 07:30 am IST

WBSSC | Source: WBSSC website

New Delhi: It was not just the large-scale manipulation and fraud, but the attempt to cover up the illegalities in the appointment process that convinced the Supreme Court to uphold Calcutta High Court's order cancelling appointments of 25,000 teaching and non-teaching staff by the West Bengal School Service Commission (WBSSC).

On Thursday, a bench led by Chief Justice of India Sanjiv Khanna dismissed all appeals filed against the HC's April 2024 judgement in the jobs-for-cash scam case.

The SC order also addressed crucial questions of law that were raised in the appeals—whether the court could strike down the entire selection process in case of irregularities, and whether the innocent should be punished for fraud they did not commit.

While answering in the affirmative, the bench focused on the role of the WBSSC and admonished it for covering up lapses, despite credible evidence indicating irregularities.

The commission's contradictory stand before the HC, attempts to conceal the original marks, destruction of candidates' Optical Marks Recognition Sheets (OMR) and extension of the selection panel beyond the deadline were the key factors that weighed on the bench.

"In spite of the factual background and the credible evidence indicating irregularities, WBSSC initially did try to cover up the lapses and illegalities. The cover-up itself has made the verification and ascertainment more difficult or rather impossible given the scale of camouflage and dressing up done at each stage. We are convinced that the entire selection process was intentionally compromised due to the illegalities involved," the bench observed.

Since the entire selection process was declared "tainted beyond resolution" and given that manipulations and fraud happened on a "large scale", the bench held that the "credibility and legitimacy of the selection are denuded".

It, therefore, dismissed the argument that the petitions filed in HC, questioning the appointments as tainted, were fraught with delays and laches. The appellants in the SC had sought reversal of the HC verdict on the ground it was delivered on petitions filed belatedly.

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What the appeals said

The top court's judgement came on a set of appeals filed by West Bengal's Mamata Banerjee-led government and those who lost their jobs on account of the HC's decision. The selectees were of two categories—the first included those against whom there was purported evidence indicating wrongdoing in their appointments, and the second made up those who claimed they were validly selected, without any wrongdoing.

The points raised by them were that the evidence against them is weak, unproven, and inadmissible. Second, they argued, they were punished without an inquiry, violating the principles of natural justice. And while they figure in the CBI's charge sheet, they have not been convicted and should be treated as innocent.

The other selectees, along with the West Bengal government and the WBSSC argued that the Calcutta High Court erred by annulling the entire selection process based on the CBI report and should have only cancelled the appointments of those found guilty.

WBSSC under lens

The petitions in the HC against the appointments were filed in 2021, almost three years after they were finalised. The selection process for these jobs started in 2016 when the WBSSC issued a notification for regional and state-level selection tests for teaching and non-teaching jobs in state government-run schools.

Based on the petitions, the HC ordered a CBI probe on 15 February 2022. Pursuant to further orders, the CBI registered four FIRs.

Before the HC, the WBSSC filed affidavits accepting the illegalities and mistakes such as rank-jumping or issuing appointment letter(s) to those who were not selected. It, however, could not produce the original OMR sheets, nor could verify the number of illegal recommendations to provide details of candidates who were appointed against the rules.

The commission justified destruction of OMR sheets on the ground that the rules mandate it to do so. Later, however, in response to an RTI query, it supplied a scanned copy of the OMR sheets to the applicant. Asked about how the sheets were sourced, the commission claimed they got the same from the CBI which had managed to retrieve the copies from the database of M/s Nysa, the firm they appointed to scan and evaluate the OMR sheets.

Upon realising illegalities in appointment, WBSSC had terminated the services of some candidates and in accordance with the interim HC orders, it also withdrew the recommendations for certain candidates.

In SC too, the WBSSC candidly admitted rank-jumping, appointing non-meritorious candidates, manipulating OMR scores. It acknowledged that 6,276 illegal appointments were made. It could provide the data to the top court after borrowing it from the CBI, whose investigation segregated meritorious candidates from those appointed illegally. On the basis of this it prayed that the top court not annul the entire selection process.

However, the bench rejected this argument and said it would have accepted the same had the WBSSC produced the original physical OMR sheets or their mirror copies.

Moreover, the bench was perturbed about the fact that the counseling process and appointments were made after the expiry of the selection panel. This, it held, was contrary to the rules and illegal. With regard to destruction of OMR sheets, the bench faulted WBSSC's argument that the rules required it to destroy them. According to the court, the rule was applicable to the teaching staff and not to the non-teaching posts.

The court also found it peculiar that WBSSC did not retain scanned copies of the OMR sheets in their electronic records while allowing M/s. Nysa to keep them.

The contradictory stance of the WBSSC on the possession and destruction of scanned/mirror copies of the OMR sheets reflect an attempt to cover up illegalities and lapses in the selection process, the bench held. This was a reference to the commission providing the OMR sheets to two candidates in response to their RTI applications.

Marks mismatch

Apart from WBSSC not retaining mirror copies of the scanned OMR sheets, the judgement highlighted other flaws in the commission's functioning. It found significant discrepancies between the marks in WBSSC's computer software and the data found on the three hard disks recovered from a firm in Noida.

The court's finding was premised on the CBI report, which noted the mismatch between the OMR sheet evaluation and the marks as recorded by WBSSC. This report also referred to the email exchange between the staff of M/s. Nysa regarding the increase of marks for specific candidates and the manipulation of data.

Further, WBSSC did not upload the marks of candidates while uploading the list of the candidates calle
included in the waitlist. Marks were only displayed after the HC order of 12 May 2022.

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"This omission appears deliberate, likely intended to conceal the marks of candidates on the waitlist, raising concerns about potential data manipulation. It is also a known fact that some candidates who did not attempt a single question were awarded marks and issued appointment letters," the bench observed.

It also found discrepancies in the recommendations made by WBSSC and the number of appointment letters issued by the selection board. According to the documents furnished to the bench, 669 extra appointment letters were issued.

(Edited by Gitanjali Das)

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